

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 28, 2001

DIVISION ONE

B143997 Darroll (Not for Publication)
v.
Perlis

The judgment (order) is affirmed. Darroll's request for sanctions is denied. Perlis is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Mallano, J.

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B146858 People (Not for Publication)
v.
Wesley, Jr.

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B148656 The People (Certified for Publication)
v.
Superior Court, Los Angeles County
(Jimenez, r.p.i.)

The petition is granted; a peremptory writ shall issue to direct the trial court to vacate its order granting Jimenez's petition and to enter a new order transferring this case to a judge other than Judge Pastor. Our order to show cause is discharged and our stay order is dissolved.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B141812 **Gidney, Sr., et al.** (Not for Publication)
v.
Espinoza et al.

The judgment and the order dated April 10, 2000, are reversed to the extent that they denied plaintiffs' motion under Labor Code section 3856, subdivision (b). On remand, the trial court shall rule on that motion in accordance with the principles set forth in this opinion. The judgment dated April 10, 2000, is also reversed to the extent it offset the workers' compensation liens against the jury verdict. On remand, the trial court shall enter judgment on the jury verdict. Appellants are entitled to costs on appeal.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B142091 Weinstock (Not for Publication)
 v.
 Weinstock

The order is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
 Vogel (Miriam A.), J.

B143982 People (Not for Publication)
 v.
 Takabayashi

The judgment is affirmed. The court below is ordered to correct the abstract of judgment to reflect a conviction of second degree robbery and to forward a copy of the correct abstract of judgment to the Department of Corrections.

Spencer, P.J.

We concur: Ortega, J.
 Mallano, J.

B141186 People (Not for Publication)
 v.
 Hardy

The judgment is affirmed.

Spencer, P.J.

We concur: Ortega, J.
 Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B146121 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Barbara L.

The orders are affirmed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B142245 People (Not for Publication)
v.
Cole

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

B148246 Preman (Not for Publication)
v.
Superior Court, Los Angeles County
(London, r.p.i.)

Let a peremptory writ of mandate issue, commanding respondent court to vacate its February 7, 2001 order to the extent that the order denied petitioner's motion to expunge the lis pendens and to enter a new and different order granting the motion. Petitioner is entitled to costs in connection with this proceeding. (See Cal. Rules of Court, rule 56.4.) On remand, the trial court shall determine whether petitioner is entitled to attorneys' fees and, if so, the amount. (See Code Civ. Proc., §405.38.)

Mallano, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION ONE (Continued)

B138940 People (Certified for Partial Publication)
v.
Turner

The judgment is reversed.

Spencer, P.J.

I concur: Mallano, J.
I dissent: Ortega, J. (Opinion)

B139115 People (Not for Publication)
v.
Hung et al.

Seng's sentence is modified by (1) striking the one-year enhancement imposed with regard to count 1 (§ 12022, subd. (b)(1)), and (2) striking the order for the three-year enhancement ancillary to count 5 (§ 12022.7) to run consecutive and providing, instead, that this three-year enhancement is concurrent (so that Seng's aggregate sentence is reduced from life plus seven years to life plus three years); in all other respects, both judgments are affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment reflecting these modifications to Seng's sentence.

Vogel (Miriam A.), J.

I concur in judgment only: Spencer, P.J.
I concur: Ortega, J.

B146446 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Sharon S.

The orders are affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION ONE (Continued)

B146551 People (Not for Publication)
v.
Reynolds

The sentence is affirmed and the cause is remanded to the trial court with directions to recalculate Reynolds's custody credits in the manner set forth in the preceding paragraph.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B142882 People v. Strain (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B139371 People (Not for Publication)
v.
Steward et al.

The judgments are affirmed. The trial court is directed to correct the abstract of judgment as to defendant Moore to reflect the sentence imposed on him.

Mallano, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B142387 People (Not for Publication)
v.
American Contractors Indemnity Company et al.

The order denying appellants' motion to vacate the forfeiture and exonerate bond is affirmed.

Mallano, J.

We concur: Ortega, Acting P.J.
Vogel (Miriam A.), J.

B148733 Harvey C. (Not for Publication)
v.
Superior Court, Los Angeles County
(Dept of Children & Family Services, r.p.i.)

Petition denied by opinion.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B141295 Caesar et al. (Not for Publication)
v.
Maccabee et al.

That portion of the March 3, 2000 order reducing defendants' attorney's fee award by \$10,000 is reversed. In all other respects, the order is affirmed. The matter is remanded to the trial court with directions to strike that portion of the order giving plaintiff Caesar a credit of \$10,000 for sanctions not paid by defendant Maccabee. The parties are to bear their own costs on appeal.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

June 28, 2001-Continued

DIVISION ONE (Continued)

B145885 People v. Aguila (Not for Publication)

The judgment is affirmed.

Spencer, P.J.

We concur: Vogel (Miriam A.), J.
Mallano, J.

[illegible]

B174605 In re Michael Thomas Sermeno on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

B144021 People (Not for Publication)
v.
Alzmann

The judgment is reversed.

Spencer, P.J.

We concur: Ortega, J.
Mallano, J.

DIVISION ONE (Continued)

B148796 Alexander et al. (Not for Publication)

v.

Superior Court, Los Angeles County
(Golden Eagle Insurance Corp., r.p.i.)

The Court:

Therefore, let a peremptory writ issue, commanding respondent superior court to set aside and vacate its order of February 21, 2001, denying petitioner's motion to compel further answers to interrogatories and request for production of documents in Los Angeles Superior Court case No. BC224771, entitled Stanley Alexander v. Golden Eagle Insurance Corporation. Respondent is directed to set for hearing the issues of whether the discovery requests were burdensome and oppressive and impinged on the privacy rights of third parties, and to rule accordingly. Petitioner is entitled to all costs of this proceeding.

Spencer, P.J., Ortega, J., Mallano, J.

DIVISION TWO

B143766 Green (Not for Publication)

v.

Granoff et al.

The judgment is affirmed. Costs to respondent.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

DIVISION TWO (Continued)

B136987 Adelman (Not for Publication)
v.
B.W. Hotel

The judgment is affirmed. Costs to respondent.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

B136490 Stasz (Not for Publication)
v.
Rodi, Pollock, Pettker, Galbraith & Philips, et al.

The summary judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

B145623 People (Not for Publication)
v.
Cope

The judgment is affirmed.

Todd, J.

We concur: Boren, P.J.
 Cooper, J.

DIVISION TWO (Continued)

B139450 Barry A. Fisher, as Receiver, etc. (Certified for Publication)
 v.
 Ronald Gene Gibson

The summary judgment is affirmed. Costs to respondent.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

B135438 Lawyer's Title Insurance Company (Not for Publication)
 v.
 Stan Herman

The judgment is reversed and remanded to the superior court for entry of judgment on the cross-complaint in favor of cross-defendant Herman and any further proceedings consistent therewith. Costs on appeal are awarded to appellant.

Todd, J.

We concur: Boren, P.J.
 Nott, J.

B142394 People (Not for Publication)
 v.
 Wuerth

The judgment against defendant is modified to impose a \$50 state penalty assessment (Pen. Code, § 1464) and a \$35 county penalty assessment (Gov. Code, § 76000). The judgment is affirmed in all other respects. The superior court is directed to prepare and deliver to the Department of Corrections an amended abstract of judgment reflecting the imposition of these fines.

Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION FOUR

B138584 Ehr (Not for Publication)
v.
Methodist Hospital of Southern California

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B136084 Morehouse et al. (Not for Publication)
v.
Zinger

The judgment is affirmed. Costs on appeal are awarded to respondents.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B143061 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Linda B.

The orders are affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

DIVISION FIVE

B137885 Mark Lueker (Not for Publication)
 v.
 Ernesto Bues et al.

The order awarding attorney fees is vacated, the judgment is reversed, and the matter is remanded to the trial court for the entry in favor of plaintiff of a decree of specific performance of the Purchase Agreement and in favor of the defendant of an award of interest on the purchase price from the date escrow would have closed had defendants performed as promised in the Purchase Agreement. Appellant to recover costs on appeal.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Willhite, J. (Assigned)

DIVISION SIX

B144786 Trevillian (Not for Publication)
 v.
 Romasanta et al.

The post-judgment order is affirmed. Trevillian is awarded costs on appeal.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B143054 People (Not for Publication)
 v.
 Maria A.

The disposition order is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SIX (Continued)

B143055 People (Not for Publication)
v.
Clarissa P.

The public service hours are reduced to 20. In all other respects the order is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B144294 People (Not for Publication)
v.
Gatica

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B147202 County of San Luis Obispo (Certified for Publication)
v.
San Luis Obispo Superior Court
(Munari, r.p.i.)

Let a writ of mandate issue directing the superior court to vacate its order granting summary adjudication on Munari's administrative mandamus and declaratory relief causes of action and to enter a new order denying Munari's motion for writ relief. The order to show cause, having served its purpose, is discharged. Costs are awarded to petitioner.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B141841 Division of Labor Standards Enforcement
 v.
 Atlantic Baking Company

Filed order denying petition for rehearing.